

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED
for Roanoke
AUG - 1 2011
JULIA C. DUDLEY, CLERK
BY: *m. step*
DEPUTY CLERK

MICHAEL ANTHONY MCCLANAHAN,
Plaintiff,

Civil Action No. 7:11-cv-00297

v.

MEMORANDUM OPINION

LARRY CROUSE,
Defendant.

By: Hon. Jackson L. Kiser
Senior United States District Judge

By Order entered July 5, 2011, the court assessed a \$350.00 filing fee and granted plaintiff fifteen days from the date of the Order to forward to the court a statement of his assets and a report regarding his trust account for the six months prior to June 2011, signed by each appropriate prison official where plaintiff was confined during that time so the court could determine a payment schedule. Plaintiff was advised that failure to return the required paperwork would result in dismissal of this action without prejudice.

Plaintiff filed certified inmate account reports of the six-month period prior to July, not the six-month period prior to June 2011. Therefore, plaintiff did not comply with the conditional filing order, despite the warning that his action may be dismissed without prejudice for noncompliance, and the court cannot determine the appropriate filing fee assessment, pursuant to 28 U.S.C. § 1915(a). Accordingly, this action must be dismissed without prejudice for plaintiff's failure to pay the filing fee or properly document his application to proceed in forma pauperis after the court's order. Plaintiff may refile the complaint as a new and separate action at the time he can pay the \$350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this order to plaintiff.

ENTER: This 1st day of August, 2011.

Jackson L. Kiser
Senior United States District Judge